The export of jewellery during the last two years is as under :

Value (USS million)

Year	Gold Jewellery	Non Gold Jewellery
1998-99	870.15	54.86
1999-2000	933.77	48.37

Source: Directorate General of Commercial Intelligence & Statistics, Calcutta (DGCI&S)for 1998-99 and Gem and Jewellery Export Promotion Council, Mumbai (GJEPC) for 1999-2000.

(d) The GJEPC has informed that there is no production of raw pearls in the country. However, raw pearls are imported into India and some them are exported after processing. Regarding encouragement to export of pearls from the State of Orissa, it is stated that no State specific export promotion schemes have been formulated and various Export Promotion Schemes as given under chapter 8 of the Exim Policy are meant for over all export promotion of gems & jewellery from the country and can be utilised by any person from any State.

The export of processed pearls from the country during the last two years is as under :

Year	Value (in USS Million)
1998-99	3.97
1999-2000	3.95

Source : DGCI&S for 1998-99 and GJEPC for 1999-2000.

Patenting of Indian Plants

3085. SHRI RAMDAS AGARWAL : Will the Minister of COMMERCE AND INDUSTRY be pleased to state :

(a) whether Government's attention has been drawn to the news-item captioned "Made in Indian plants get patented abroad", published in the Hindustan Times, dated 6th April, 2000;

(b) whether it is a fact that Karela (Bittergourd), Jamun (Blackberry) and Baigan (Brinjal) etc., grown and widely used in India for centuries, are going to be patented in countries like Japan, U.S. and China;

(c) if so, whether India now face the situation of having to pay royalty for using our own natural resources; and

(d) by when Government propose to bring forward suitable legislation to fill this huge loophole?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN) : (a) Yes, Sir.

(b) and (c) Patents cannot be granted for products existing in nature as they would not meet the criteria of patentability, namely, novelty, inventive step and industrial applicability. However, patents have reportedly been granted on compositions based on certain properties of plants.

Patents are granted under the sovereign prerogative of countries according to their respective Patent Laws and have territorial effect that is, they are effective only in the country of grant. However, as and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interests, steps are taken to assess whether the grant of such patent can be challenged under the patent laws of the country concerned.

As the patents have territorial effect and are valid only in the country of grant, therefore, the question of paying any royalty for using our natural resources does not arise.

(d) In order to protect bio-resources, the Patents (Second Amendment) Bill 1999, contains provisions for madatory disclosure of source and geographical origin of the biological material used in the invention while applying for patents in India. Provisions have also been incorporated to include the non-disclosure or wrongful disclosure of the same as grounds for opposition and for revocation of the patent, if granted. Provisions in this regard are contained in clauses 8, 17 and 28 of the said Bill.

In order to protect traditional knowledge from being patented, provisions have been incorporated in the Patents (Second Amendment) Bill, 1999 to include anticipation of invention by available local knowledge, including oral knowledge, as one of the grounds for opposition as also for revocation of patent. Provisions in this regard are contained in clauses 17 and 28 of the said Bill.

Apart from this Government has also initiated an exercise to develop a digital data base of traditional knowledge in the field of medicinal plants to aviod patenting of such knowledge.